

1
2 BILL NO. G-90-01-16 (AS AMENDED)

3
4 GENERAL ORDINANCE NO. G- 10-90

5
6 AN ORDINANCE amending the City of
7 Fort Wayne Zoning Ordinance.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
9 FORT WAYNE, INDIANA:

10 SECTION 1. That Section 33-3 (jj) be deleted in its
11 entirety and replaced with the following:

12 (jj) **Junk and salvage**, junk and salvage shall mean scrap
13 metals, including recyclable products of all descriptions
14 including but not limited to: paper and paper products
15 including roofing and tar paper, cloth and clothing, wood
16 and wood products, manufactured rubber products, rope,
17 manufactured plastic products, paint, manufactured clay and
18 porcelain products, trash and similar materials, and shall
19 include wrecked and dismantled automobiles and machinery,
20 equipment and parts. Junk and salvage shall also include
21 the bailing of cardboard boxes, paper, paper cartons and the
22 separating, collecting or retrieving of reusable solid waste
23 for resale.

24 SECTION 2. Amending Section 33-3 by adding the
25 following:

26 (sss) **Junk and salvage yard**, shall mean any premises,
27 establishment or place of business which is primarily
28 maintained, operated, or used for storing, keeping, buying,
29 processing, selling, or dismantling of junk and salvage and
30 shall include scrap processing yards. Junk and salvage
31 yard shall exclude those premises entirely contained within
32 a building.

1
2 (yyy) **Wetlands**, those areas that are inundated or saturated
3 by surface or ground water at a frequency and duration
4 sufficient to support, and that under normal circumstances
5 do support, a prevalence of vegetation typically adapted for
6 life in saturated soil conditions. Wetlands generally
7 include swamps, marshes, bogs and similar areas and may be
8 determined from the following sources: National Wetlands
9 Inventory maps published by the U. S. Department of the
10 Interior - Fish and Wildlife Service; areas designated as
11 "marsh" in the Hydrolic Investigations Atlas published by
12 the U.S. Department of the Interior - Geologic Survey; or
13 those soils listed in the Soil Survey of Allen County,
14 Indiana as "poorly drained" and "very poorly drained" and
15 verified by the Soil Conservation Service.

16
17 SECTION 3. Amending Section 33-13 by adding the
18 following:

19
20 (k) **In M-3 districts**, the Board may permit junk and salvage
21 yards with the following conditions:

22
23 (1) No portion shall be located any closer than 300 feet
24 from any city or county residential zoning district.

25
26 (2) All outdoor storage shall be conducted entirely within
27 an enclosed seven (7) foot high opaque visual barrier except
28 for driveway openings onto public streets or alleys. At
29 such openings the screen shall extend perpendicular to the
30 perimeter screen a distance equal to the gap in the
31 perimeter screen on each side of the opening. Such opaque
32 visual barrier shall comply with the design standards

adopted by the Plan Commission.

(3) Such opaque visual barrier shall be constructed along the front, side and rear lot lines and shall be constructed in such a manner that no outdoor storage or salvage material shall be visible from an adjacent property within a 300 feet radius or street from a viewing height of six (6) feet. Any storage, either temporary or permanent, between such visual barrier and any property line is expressly prohibited.

(4) Parking of one (1) space per employee and one (1) space per 400 square feet of gross office floor area shall be required.

(5) Minimum lot area of five (5) acres shall be required for any junk and salvage yard. The minimum dimension across the lot in any direction between two parallel or substantially parallel lot lines shall not be less than 300 feet.

(6) Junk and salvage yards shall not be located in any designated flood plain and wetland areas.

SECTION 4. That Section 33-14 (k) (2) is deleted in its entirety and replaced with the following:

(k) M3 District, Heavy Industrial.

(2) Fabricating, manufacturing, processing, extraction, heavy repair and dismantling industries, including junk and salvage yards approved under Section 33-13, provided the same conform to all federal, state and local environmental

1 laws and regulations pertaining but not limited to air
2 emissions, water discharge and solid and hazardous waste.

3

4 SECTION 5. That this Ordinance shall be in full
5 force and effect from and after its passage and approval by
6 the Mayor.

7

8 COUNCILMEMBER

9

10 APPROVED AS TO FORM AND LEGALITY:

11

12 J. TIMOTHY McCAULAY, CITY ATTORNEY

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

BILL NO. G-90-01-16

1 GENERAL ORDINANCE NO. G-_____

2 AN ORDINANCE amending the City of
3 Fort Wayne Zoning Ordinance.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA:

6 SECTION 1. That Section 33-3 (jj) be deleted in its
7 entirety and replaced with the following:

8 (jj) **Junk and salvage**, junk and salvage shall mean scrap
9 metals, paper and paper products including roofing and tar
10 paper, cloth and clothing, wood and wood products,
11 manufactured rubber products, rope, manufactured plastic
12 products, paint, manufactured clay and porcelain products,
13 trash and similar materials, and shall include wrecked and
14 dismantled automobiles and machinery, equipment and parts.
15 Junk and salvage shall also include the bailing of cardboard
16 boxes, paper, paper cartons and the separating, collecting
17 or retrieving of reusable solid waste for resale.

19 SECTION 2. Amending Section 33-3 by adding the
20 following:

22 (sss) **Junk and salvage yard**, shall mean any premises,
23 establishment or place of business which is primarily
24 maintained, operated, or used for storing, keeping, buying,
25 selling, or dismantling of junk and salvage. Junk and
26 salvage yard shall exclude those premises entirely contained
27 within a building.

29 (ttt) **Wetlands**, those areas that are inundated or saturated
30 by surface or ground water at a frequency and duration
31 sufficient to support, and that under normal circumstances

32

1 do support, a prevalence of vegetation typically adapted for
2 life in saturated soil conditions. Wetlands generally
3 include swamps, marshes, bogs and similar areas.

4 SECTION 3. Amending Section 33-13 by adding the
5 following:

7 (k) In M-3 districts, the Board may permit junk and salvage
8 yards with the following conditions:

10 (1) No portion shall be located any closer than 300 feet
11 from any city or county residential zoning district.

13 (2) All outdoor storage shall be conducted entirely within
14 an enclosed seven (7) foot high opaque visual barrier except
15 for driveway openings onto public streets or alleys. At
16 such openings the screen shall extend perpendicular to the
17 perimeter screen a distance equal to the gap in the
18 perimeter screen on each side of the opening. Such opaque
19 visual barrier shall comply with the design standards
20 adopted by the Plan Commission.

22 (3) Such opaque visual barrier shall be constructed along
23 the front, side and rear lot lines and shall be constructed
24 in such a manner that no outdoor storage or salvage material
25 shall be visible from an adjacent property within a 300 feet
26 radius or street from a viewing height of six (6) feet. Any
27 storage, either temporary or permanent, between such visual
28 barrier and any property line is expressly prohibited.

30 (4) Parking of one (1) space per employee and one (1) space
31 per 400 square feet of gross office floor area shall be
32

required.

(5) Minimum lot area of five (5) acres shall be required for any junk yard. The minimum dimension across the lot in any direction between two parallel or substantially parallel lot lines shall not be less than 300 feet.

(6) Junk and salvage yards shall not be located in any designated flood plain and wetland areas.

SECTION 4. That Section 33-14 (k) (2) is deleted in its entirety and replaced with the following:

(k) M3 District, Heavy Industrial.

(2) Fabricating, manufacturing, processing, extraction, heavy repair and dismantling industries, excluding junk and salvage yards, unless approved under Section 33-13, provided the same conform to the following requirements:

a. (Smoke.) No smoke is emitted of a density greater than No. 2 according to the Ringlemann's Scale, except that smoke of a greater density shall be permitted for a period not in excess of six (6) minutes in any one hour.

b. (Fly Ash.) No particles from any flue or smokestack exceeds three-tenths (0.3) grains per cubic foot of flue gas at a stack temperature of five hundred (500) degree Fahrenheit.

c. (Gases or fumes.) No gases or fumes toxic to

persons or injurious to property are permitted to escape beyond the confines of the building in which it occurs.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
COUNCIL MEMBER

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Tolman, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock M., E.S.T.

DATED: 1-9-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Long, and duly adopted, placed on its passage.
PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>/</u>			
<u>BURNS</u>	<u>/</u>			
<u>EDMONDS</u>	<u>/</u>			
<u>GiaQUINTA</u>	<u>/</u>			
<u>HENRY</u>	<u>/</u>			
<u>LONG</u>	<u>/</u>			
<u>REDD</u>	<u>/</u>			
<u>SCHMIDT</u>	<u>/</u>			
<u>TALARICO</u>	<u>/</u>			

DATED: 4-10-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 4-10-90
on the 10th day of April, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reeder
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of April, 1990, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April, 1990, at the hour of 12:30 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

1
2 BILL NO. G-90-01-16 (AS AMENDED)
3

GENERAL ORDINANCE NO. G- 10-90

4 AN ORDINANCE amending the City of
5 Fort Wayne Zoning Ordinance.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
7 FORT WAYNE, INDIANA:

8 SECTION 1. That Section 33-3 (jj) be deleted in its
9 entirety and replaced with the following:

10 (jj) **Junk and salvage**, junk and salvage shall mean scrap
11 metals, including recyclable products of all descriptions
12 including but not limited to: paper and paper products
13 including roofing and tar paper, cloth and clothing, wood
14 and wood products, manufactured rubber products, rope,
15 manufactured plastic products, paint, manufactured clay and
16 porcelain products, trash and similar materials, and shall
17 include wrecked and dismantled automobiles and machinery,
18 equipment and parts. Junk and salvage shall also include
19 the bailing of cardboard boxes, paper, paper cartons and the
20 separating, collecting or retrieving of reusable solid waste
21 for resale.

22
23 SECTION 2. Amending Section 33-3 by adding the
24 following:
25

26 (sss) **Junk and salvage yard**, shall mean any premises,
27 establishment or place of business which is primarily
28 maintained, operated, or used for storing, keeping, buying,
29 processing, selling, or dismantling of junk and salvage and
30 shall include scrap processing yards. Junk and salvage
31 yard shall exclude those premises entirely contained within
32 a building.

(yyy) **Wetlands**, those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National Wetlands Inventory maps published by the U. S. Department of the Interior - Fish and Wildlife Service; areas designated as "marsh" in the Hydrolic Investigations Atlas published by the U.S. Department of the Interior - Geologic Survey; or those soils listed in the Soil Survey of Allen County, Indiana as "poorly drained" and "very poorly drained" and verified by the Soil Conservation Service.

SECTION 3. Amending Section 33-13 by adding the following:

(k) In M-3 districts, the Board may permit junk and salvage yards with the following conditions:

(1) No portion shall be located any closer than 300 feet from any city or county residential zoning district.

(2) All outdoor storage shall be conducted entirely within an enclosed seven (7) foot high opaque visual barrier except for driveway openings onto public streets or alleys. At such openings the screen shall extend perpendicular to the perimeter screen a distance equal to the gap in the perimeter screen on each side of the opening. Such opaque visual barrier shall comply with the design standards

(3) Such opaque visual barrier shall be constructed along the front, side and rear lot lines and shall be constructed in such a manner that no outdoor storage or salvage material shall be visible from an adjacent property within a 300 feet radius or street from a viewing height of six (6) feet. Any storage, either temporary or permanent, between such visual barrier and any property line is expressly prohibited.

(4) Parking of one (1) space per employee and one (1) space per 400 square feet of gross office floor area shall be required.

(5) Minimum lot area of five (5) acres shall be required for any junk and salvage yard. The minimum dimension across the lot in any direction between two parallel or substantially parallel lot lines shall not be less than 300 feet.

(6) Junk and salvage yards shall not be located in any designated flood plain and wetland areas.

SECTION 4. That Section 33-14 (k) (2) is deleted in its entirety and replaced with the following:

(k) **M3 District, Heavy Industrial.**

(2) Fabricating, manufacturing, processing, extraction, heavy repair and dismantling industries, including junk and salvage yards approved under Section 33-13, provided the same conform to all federal, state and local environmental

1 laws and regulations pertaining but not limited to air
2 emissions, water discharge and solid and hazardous waste.

3
4 SECTION 5. That this Ordinance shall be in full
5 force and effect from and after its passage and approval by
6 the Mayor.
7

8 COUNCILMEMBER
9

10 APPROVED AS TO FORM AND LEGALITY:
11

12 J. TIMOTHY McCAULAY, CITY ATTORNEY
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Defines Junk & Salvage, and defines a

junk and salvage yard. Requires junk and salvage yards to go through special
use with certain standards to be met.

*LJ-90-01-16
(as amended)*

EFFECT OF PASSAGE Junk and salvage yards will have to meet required
screening or be in entirely enclosed buildings. "Open" yards will require
public hearings before the Board of Zoning Appeals.

EFFECT OF NON-PASSAGE Yards are not required to be screened.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

G-90-01-16

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address N/A		Sponsor	City Plan Commission
Reason for Project Defines junk and salvage, and defines a junk and salvage yard. Requires junk and salvage yards to go through special use with certain standards to be met.		Area Affected	City Wide Other Areas
Discussion (Including relationship to other Council actions) <u>Public Hearing - February 26, 1990</u> See Attached Minutes of Meeting <u>Business Meeting - March 26, 1990</u> Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the six members present five voted in favor of the motion one did not vote. Motion carried.		Applicants/ Proponents	Applicant(s) City Department Other
		Opponents	Groups or Individuals Basis of Opposition
		Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
		Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date January 19, 1990

Projected Completion or Occupancy Date March 27, 1990

Fact Sheet Prepared by Date March 27, 1990

Reviewed by Patricia Biancaniello
Romy Magtisay Date 3-29-90

Reference or Case Number

- a. Bill No. G-90-01-16 - Ordinance #411
Defines Junk & Salvage, and defines a junk and salvage yard. Requires junk and salvage yards to go through special use with certain standards to be met.

Larry Maglizzzi, Senior Planner for Land Use Management, appeared before the Commission. Mr. Maglizzzi stated that this ordinance is an attempt to correct and update definitions both junk and salvage, and subsequently junk and salvage yards. Mr. Maglizzzi stated that he would, for the benefit of the audience, paraphrase the memo sent to the Commissioners from Greg Purcell. "The M-3 section of the Zoning Ordinance would be amended to allow for a junk or salvage yard only under the jurisdiction of the Board of Zoning Appeals through a "Special Use" variance. The Board is restricted to approval only when such petition complies with certain conditions. These conditions address distances from residential zoning, visual barriers, parking requirements and lot size, among other contingencies.

Under the new definitions, some uses may meet the terminology used, but clearly not constitute a junk or salvage yard use. We have addressed that potential problem by taking the position that any use entirely enclosed by a building structure would be exempt from the requirements of the proposed ordinance. (i.e. a "Goodwill" type of use or a "second hand store" would not constitute a salvage yard.)"

Mr. Maglizzzi stated that the memo concluded by stating that staff believed that these modifications to the ordinance would allow for increased protection of citizen safety and aesthetic concerns, while providing for the appropriate location of these uses.

Mel Smith questioned when this amendment might take effect.

Mr. Maglizzzi stated that after tonight it will go to the business meeting on March 5th and then to City Council for public hearing and final disposition.

David Long stated that a great deal of time and work has gone into the ordinance. He stated for the record that he supported the ordinance, because we do not have a very good ordinance on the control of junk yards.

John Shoaff questioned the significance of the definition of wetlands and how they fit into this ordinance.

Larry Maglizzzi stated that they are not allowing junk or salvage yards to be located in floodplain areas. He stated that we define floodplain in another part of the ordinance so they needed to define wetland.

Barry Pass, Vice-President of Omni-Source appeared before the Commission. Mr. Pass stated that Omni-Source had no objection to

the ordinance as such, he would speak in favor of the ordinance. He stated however that he felt some clarification was necessary, particularly with regard to the definitions. He stated that since the Federal Beautification Act was put into effect the federal and state governments have recognized certain definitions, in particular the term junk yard and scrap processors have very much been separated by definition. He stated that a scrap processor being the type of industrial operation that Omni Source operates locally, and a junk yard being an auto wrecking or salvage yard such as is verbally described in the ordinance. He stated that in discussion with the Plan Commission representative, he felt that the thrust of the ordinance is to govern anything that has an operation outdoors and confine it to M-3 zoning. He stated they have no objection to that, but they would ask the Plan Commission to clarify the definitions. He stated that a major difference is that a scrap processor, in the case of Omni Source, as a member of the institute of scrap recycling industry, is already well in compliance with not only zoning but in the barriers which are delineated by under (K) (3) in the proposed ordinance. He stated that a seven foot fence will not make much difference with a pile of scrap 60 feet tall. He stated that their company would offer its services in working with the Plan Commission or the Board of Zoning Appeals.

Steve Smith suggested that Mr. Pass meet with Mr. Maglionezi subsequent to the meeting on March 5th.

There was no one else present who wished to speak in favor of or in opposition to the proposed ordinance.

BILL NO. G-90-01-16 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (REZONING) amending the City
of Fort Wayne Zoning Ordinance

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS **DO NOT PASS** **ABSTAIN** **NO REC**

Janet G. Brabbins _____
D. Schmid _____
Craig Edwards _____
Larry J. Galaxio _____
Mark Long _____

DATED: 4-10-90.

Sandra E. Kennedy
City Clerk